

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CIVIL APPLICATION NO. 4619 OF 1997

AMRELI DIST. CENTRAL CO.OP.BANK
vs.
THAKARSHIBHAI KANJIBHAI

Appearance:
MR JAYANT PATEL for the Petitioner.

CORAM: MR.JUSTICE R.K. ABICHANDANI

Date of Order: 02.07.1997

ORAL ORDER

The petitioner-Bank challenges the order dated 1st July, 1997 passed by the Registrar's Nominee below application for interim relief by which interim injunction was granted against the petitioner in terms of para 8 of the application ex.4 filed in Arbitration Suit No. 98/97. The application for interim relief which was made by the present respondent was for an injunction for restraining the office bearers of the petitioner from holding the meeting of the Executive Committee on 1st July, 1997 and from passing any resolution in the meeting. The meeting which was scheduled to be held on 1st July, 1997 was in view of this ad-interim order, admittedly, not held and no business could be transacted at the meeting which was earlier convened for that day.

The grievance of the petitioner was that though a caveat was filed, the Registrar's Nominee has made ad-interim order of injunction without hearing the petitioner. If a caveat is duly lodged by the petitioner, then it is really unfortunate that the Registrar's Nominee should have passed interim order without hearing the petitioner. The ad-interim injunction was only in terms of para 8 of the application in which it was prayed that the meeting should not be held on 1st July, 1997 and no proceedings could be done on that day. Therefore, in fact, there is no ad-interim injunction granted for restraining the present Executive

Committee from functioning beyond what was specifically mentioned in para 8. According to the petitioner, the tenure of the committee under the provisions of Section 74(c)(ii) of the Gujarat Co-operative Societies Act, 1961 is three years which would expire on 25th July, 1997. These questions can be raised before the Registrar's Nominee, who ought to hear the petitioner on the question of interim relief. The petitioner is therefore, relegated to approach to the Registrar's Nominee and it is directed that the Registrar's Nominee will hear the petitioner on 3rd July, 1997 on the question of ad-interim relief and reconsider his order in accordance with law. Subject to these directions, the petition is rejected. Direct service permitted today.

[R.K. ABICHANDANI, J.]

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